

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 13-20290-JTF-dkv

MICHAEL A. LILLEY,

Defendant.

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REPORT AND RECOMMENDATION ON DEFENDANT'S MOTION TO DISCLOSE

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On July 31, 2014, the grand jury returned a fourteen-count superseding indictment charging the defendant, Michael A. Lilley ("Lilley"), with sex trafficking of minors in violation of 18 U.S.C. § 1591, conspiracy to commit sex trafficking in violation of 18 U.S.C. § 1594, sexual exploitation of minors in violation of 18 U.S.C. § 2251(a), (e), distribution of child pornography in violation of 2252(a)(2), and possession of child pornography in violation of § 2252(a)(4)(B). (Superseding Indictment, ECF No. 62.) These charges arise out of an investigation by the Federal Bureau of Investigation, Human Trafficking Division in Memphis, Tennessee, which led to the search of Lilley's home on a search warrant, and his arrest on September 3, 2013.

Before the court is the motion of the defendant, Michael Lilley, filed on October 14, 2014, for a bill of particulars in

which he seeks an order directing the government to disclose the identities of two minor victims designated in the indictment by the initials of "K.F." and "P.G." (Def.'s Mot. for Bill of Particulars, ECF No. 82.) The motion was referred to the United States Magistrate Judge for a report and recommendation. (Order of Reference, ECF No. 87.)

Pursuant to the reference, a hearing was held on November, 5, 2014. At the hearing, the court heard argument of counsel. Lilley advised that he knows the identity of the other minor victims named in the indictment by their initials, but not the identities of "K.F." and "P.G.," and without the information, he is unable to prepare for trial and conduct his own investigation of the allegations in the indictment.

The court finds that this information is essential to Lilley's ability to present a complete defense. Accordingly, for this reason and for the reasons stated on the record at the hearing, it is recommended that the government be ordered to disclose the identities of "K.F." and "P.G." to Lilley in advance of the trial.

Respectfully submitted this 6th day of November, 2014.

s/Diane K. Vescovo  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE

NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.